

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTONIO VENTURA,

Petitioner,

v.

D. K. SISTO, Warden, et al.,

Respondents.

No. C 08-05629 CW (PR)

ORDER GRANTING PETITIONER AN
EXTENSION OF TIME TO PAY THE
FILING FEE OR FILE IN FORMA
PAUPERIS APPLICATION

Petitioner filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On that same date, the Clerk of the Court sent Petitioner a notice directing him to pay the requisite \$5.00 filing fee or to file a completed in forma pauperis (IFP) application. The Court cannot conduct an initial review of this matter until Petitioner has either paid the filing fee or completed an IFP application. See 28 U.S.C. § 1915(a) (a party is permitted to file a civil action in federal court without prepayment of fees or security if he makes affidavit that he is unable to pay such fees or give security therefor).

Petitioner has filed a request for an extension of time to pay the requisite \$5.00 filing fee in this action.

1 Accordingly, the Court grants Petitioner's request. No later
2 than thirty (30) days from the date of this Order, Petitioner shall
3 pay the \$5.00 filing fee and include with his payment a clear
4 indication that it is for the above-referenced case number, C 08-
5 05629 CW (PR). In the event that Petitioner is unable to pay the
6 filing fee, he shall submit an IFP application, trust account
7 statement and certificate of funds no later than thirty (30) days
8 from the date of this Order. Failure to pay the filing fee or file
9 the requisite documents within the thirty-day deadline shall result
10 in dismissal of this action.

11 The Clerk of the Court shall send Petitioner a blank prisoner
12 IFP application form along with his copy of this Order.

13 IT IS SO ORDERED.

14 Dated: 2/2/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANTONIO VENTURA,
Plaintiff,

Case Number: CV08-05629 CW

CERTIFICATE OF SERVICE

v.

D.K. SISTO et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 2, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Antonio Ventura H-14763 w/ blank prisoner IFP application form
CSP- Solano
P.O. Box 4000
Vacaville, CA 95696-4000

Dated: February 2, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California